

E-FILED

United States District Court

NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

V.

ARIEL ARELLANO DIAZ
A/K/A ANTONIO JUAN GOMEZ

CRIMINAL COMPLAINT

CASE NUMBER:

(Name and Address of Defendant)

07 70225 PVT

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 14, 2002 in Monterey county, in the Northern District of California defendant(s) did, (Track Statutory Language of Offense) knowingly make a false statement in an application for a United States passport,

Filed

APR 18 2007

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

in violation of Title 18 United States Code, Section(s) 1542

I further state that I am a(n) DSS Special Agent and that this complaint is based on the following
Official Title

facts:

Please see attached affidavit

Penalties: 10 years imprisonment, \$250,000 fine, 3 years supervised release, \$100 special assessment

NO BAIL WARRANT REQUESTED

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

Approved
As To
Form:

AUSA: SUSAN KNIGHT

Name/Signature of Complainant:

Sworn to before me and subscribed in my presence,

Date

4/18/07

at

SAN JOSE, CA

City and State

THE HONORABLE PATRICIA V. TRUMBULL
UNITED STATES MAGISTRATE JUDGE

Name & Title of Judicial Officer

Patricia V. Trumbull

Signature of Judicial Officer

4. The statements in this affidavit are based upon my personal knowledge, interviews, and the review of various records and documents obtained during my investigation. This affidavit sets forth only those material facts that I believe are necessary to establish probable cause. It does not include each and every fact of this investigation, however, no detail or fact that would potentially negate probable cause has been excluded.

Passports in General

5. The Passport Act of 1926, as amended, was in full force and effect throughout the period of this investigation. This Act, codified in Title 22, United States Code, Section 211a, authorized the United States Secretary of State to grant and issue United States passports under rules prescribed by the President and/or other federal laws. Some of these rules are that a person wanting a United States passport must complete and submit an application to the State Department and must submit proof of American citizenship, usually a birth certificate, and proof of identity, usually a driver's license and Social Security Number, with their application. Another rule allows officers at United States Post Offices to accept passport applications, and to then forward them to the State Department for processing. It should be noted that Title 18, United States Code, Section 3291 provides for a ten year statute of limitations for passport offenses.

Facts Supporting Probable Cause

6. On or about March 14, 2002, a person purporting to be ANTONIO JUAN GOMEZ submitted an application for a United States passport at the Salinas, CA, Post Office, which is located in the Northern District of California. A review of the application and other State Department records disclosed that this person submitted a California birth certificate bearing the name of ANTONIO JUAN GOMEZ, a passport application photo, and that he listed the following information:

Name: ANTONIO JUAN GOMEZ
Place of Birth: South Laguna, CA
Mother's Name: Delores Hermalinda Castillo
Father's Name: Antonio Estanislao Gomez
Birth date: 12/29/1968

7. The application was subsequently flagged for fraud during processing, and was referred to DSS for criminal investigation. On December 12, 2002, the person purporting to be ANTONIO JUAN GOMEZ came to the DSS Field Office as part of a police ruse, whereby he thought he was meeting with passport issuance officers. On this date, DSS Special Agents interviewed this person, but the interview was terminated before the DSS Special Agents could determine whether this person was truly ANTONIO JUAN GOMEZ, or whether he was an imposter.

8. On January 13, 2003, DSS Special Agents in Los Angeles located and interviewed an ANTONIO JUAN GOMEZ. He gave DSS a sworn statement, whereby he stated the following: he never applied for a passport; he was born on December 29, 1968; his mother was Delores Hermalinda Castillo; his father was Antonio Esteneslado; and he was born in South Coast Community Hospital in South Laguna, CA. This ANTONIO JUAN GOMEZ provided DSS with copies of school records, copies of yearbook photos, and other identification documents convincing the DSS Special Agents that he was the true and real ANTONIO JUAN GOMEZ. I also know from my training and experience that detailed school records, a sworn statement from this person, and him

still residing in Southern California where the birth occurred, almost certainly identifies him as being the true and real ANTONIO JUAN GOMEZ.

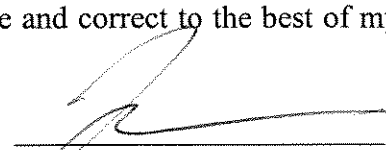
9. On March 14, 2007, as part of a DSS Unsolved/Cold Case review, I reexamined this case. Accordingly, a review of records on file at the National Crime and Information Center and the California Department of Justice disclosed between on or about 1991 and 2001, a person purporting to be ANTONIO JUAN GOMEZ had been arrested and that fingerprints taken upon arrest were matched by the Federal Bureau of Investigation to ones also on file for ARIEL ARELLANO DIAZ, a Mexican citizen. I also reviewed records on file at the California Department of Justice and located a 1999 booking or mug shot photo for ARIEL ARELLANO DIAZ and a booking or mug shot photo for the person purporting to be ANTONIO JUAN GOMEZ. A comparison of the person in these booking or mug shot photos, as well as with the person in the aforementioned passport application photo, disclosed them all to be one and the same.

10. I know from my training and experience that the passport applicant is ARIEL ARELLANO DIAZ, a Mexican citizen, and is not ANTONIO JUAN GOMEZ from South Laguna, CA. I also know that it is common for Mexican citizens without permission of the Secretary of Homeland Security to assume the identities of American citizens, and to then apply for United States passports using their names.

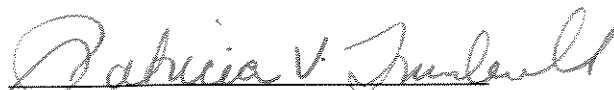
Conclusion

11. Based on the facts and information detailed in the affidavit, I believe probable exists that ARIEL ARELLANO DIAZ violated False Statement in Application for a Passport, in violation of 18 U.S.C. § 1542, when he falsely stated that his name was ANTONIO JUAN GOMEZ on the aforementioned passport application, which was submitted at the Salinas Post Office in the Northern District of California. As such, I respectfully request a warrant for his arrest.

Under penalty of perjury, I swear that the foregoing is true and correct to the best of my knowledge, information and belief.


 Jeffrey C. Dubsick
 Special Agent
 Diplomatic Security Service
 San Francisco Field Office

SUBSCRIBED AND SWORN BEFORE ME
 ON APRIL 18, 2007


 The Honorable Patricia V. Trumbull
 United States Magistrate Judge